

Chapter 5: Preparers

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Chapter 6: References

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Chapter 7: Commitments

Each section of the *Environmental Consequences* chapter contains commitments specific to the impact area being assessed. This chapter contains a summary of the commitments that have been made in this document to minimize potential impacts associated with the development of this project.

Visual Environment

Minimize the disturbances to natural landforms and vegetation, and encourages the most rapid re-vegetation of disturbed land. Additionally, select structural design features such as bridges, guardrails, and drainage structures that enhance the visual appearance of the highway.

Air Quality

During construction, the selected contractors will minimize air quality impacts through a combination of fugitive dust control, equipment maintenance, and compliance with state and local regulations.

Noise

Noise abatement must be considered to reduce the noise levels at the receptors projected to experience noise levels that approach or exceed the NAC or experience a substantial noise increase due to the project for whichever alternative is selected. The abatement must be found feasible and reasonable to be implemented. AHTD has defined a feasible noise reduction as being a reduction of ten dBA for at least one residence.

The determination of reasonableness is a more subjective criterion than feasibility. It considers the specific circumstances of the particular project. The cost of the abatement,

desire for the abatement by the benefited residences, date of the construction of the residences relative to the construction of the highway, how long the residences have been in place, the absolute noise levels with the project and the increases in the noise levels with the project compared to existing and future no project conditions are all considered in the determination of reasonableness. These seven factors are rated from a “High No” to a “High Yes” based on the criteria developed by AHTD and summarized in Appendix C1.

In most cases the only practical way to mitigate highway noise is through the construction of noise barriers. Noise barriers reduce noise levels when they break the line of sight between a receiver and a noise source. The amount of noise reduction provided by the barrier is dependent on how much the noise has to bend around the barrier or, equivalently, by how much the barrier breaks the line of sight. The more the sound has to bend or the more the barrier breaks the line of sight the greater the noise reduction. Earthen berms can be used to decrease the required height of the wall or even eliminate a wall. An earthen berm with the same height as a wall will reduce noise levels more than the wall. Walls constructed on top of berms, with the same top of wall elevation as a wall not on a berm, provide the same amount of noise reduction as a lower wall height.

The AHTD’s policy of “reasonableness” and “feasibility” will be applied to the residential areas near the selected alignment that are identified as having the potential to be impacted by noise. Based upon this preliminary noise analysis, the residential development associated with the Legendary Subdivision, located east of Grimsley Road at Miller Road, and Spring Creek Park Subdivision, located south of Wagon Wheel Road near Sharp Springs Road, warrant additional and detailed studies for noise barrier analysis.

This detailed noise mitigation analysis will be conducted as part of the design phase of the selected alignment. The focus of this analysis will be in the segments that currently have existing and/or expanding residential development. The current residential development within the study area is increasing the number of sensitive receptors on a continuing basis. These changes will be evaluated and considered during the noise barrier feasibility evaluation.

If the toll option is selected, detailed evaluation on toll plaza locations and identified impacts will be performed. These toll plazas will have unique noise characteristics including braking, gearing, and engine noises that are difficult to mitigate. An evaluation to determine if noise barrier systems are warranted will be conducted as part of the detailed design phase and presented at the design public hearing.

Social Impacts

Temporary inconvenience and time delays to travelers caused during construction of the Intermodal Access Road can be mitigated by implementing traffic maintenance procedures, providing and encouraging the use of alternate routes and detours, and by minimizing confusion to the users, especially during peak hours.

Relocations

Relocations will be mitigated according to the provisions in the Uniform Relocation and Real Property Acquisition Policies Act (URARPAPA) of 1970, as amended, as administered by the Northwest Arkansas Regional Airport Authority. This program will provide financial assistance for relocation expense, and advisory assistance in relocation resources available within the area. Relocation resources will be available to all residential and business relocatees without discrimination.

The housing inventory study concluding that sufficient comparable, decent, safe, and sanitary replacement housing exists within the area of the SNB and the Intermodal Access Road will be further refined when the project is undergoing design and right-of-way is being purchased.

Special attention will be given to elderly and low-income persons to ensure that replacement housing will be obtained that are within their economic means and within the same areas, resulting in minimal psychological adjustment problems.

Environmental Justice and Title VI

Steps to minimize relocation will be considered during final project design. Where avoidance is not possible, the acquisition and relocation process will be conducted in accordance with the Uniform Relocation and Real Property Acquisition Policies Act (URARPAPA) of 1970. Relocation resources will be available to all residents and businesses without discrimination and comparable to the need of the relocatees.

Floodplain Impacts

Areas sensitive to local flooding will be identified during the design phase of the project. If areas of severe flooding are identified, imposed design criteria may be more restrictive than those specified in local floodplain ordinances. During the project design, hydraulic data and construction plans will be submitted to AHTD, as well as city and county

officials for review, approval, and permitting as specified by local floodplain ordinances. Additionally, the proposed highway will be designed to avoid overtopping by the 100-year flood, thus minimizing the potential for interruption or termination due to flooding. Similar mitigation is proposed in the SNB FEIS and ROD for Segment BC.

Other potential measures to reduce floodplain impacts include:

- Avoiding longitudinal encroachments when possible.
- Sufficient bridging to minimize adverse effects from backwater.
- Sufficient bridging to minimize increases in water velocity.
- Minimizing channel alternations.
- Adequate and timely erosion control to minimize erosion and sedimentation.
- Using standard specifications for controlling work in and around streams to minimize adverse water quality impacts.

For all of the streams identified, bridging and/or other large drainage structures will be used to span most of the streams' natural floodplains in order to comply with the local floodplain development ordinance restrictions on increasing upstream flood depths. The construction will not cause a significant reduction of floodwater storage or retention functions. Bridges and/or drainage structures will be sized sufficiently to minimize impacts on natural and beneficial floodplain values. The project will be designed so as to minimize adverse impacts to streams, and to correct any project-related impacts that may destroy, diminish, or impair the character and function of those streams.

Wetlands and Waters of the U.S.

Each alternative alignment would cross several artificially created farm ponds that are primarily used to provide a source of drinking water for cattle. These farm ponds have been created either by diking/impounding soil around low-lying areas to hold water or by excavating the ground surface and using the excavated material to create a berm around the area to hold water. None of these farm ponds are fed by stream channels or are hydrologically connected to other bodies of water. Therefore, these farm ponds are considered to be isolated waterbodies and are not wetlands or waters of the U.S. that are subject to the jurisdiction of the U.S. Army Corps of Engineers.

Commitments to protect wetlands will include:

- Wetland areas will be avoided to the maximum extent practicable.
- Wetlands outside the construction limits will not be used for construction support activities (i.e., borrow sites, waste sites, storage, parking access, etc).

- Heavy equipment working in wetlands will be placed on mats.

Surface Water Quality

Measures that will be taken to eliminate or minimize impacts to surface water quality include, but are not limited to:

- An NPDES permit for stormwater discharge will be obtained from the Arkansas Department of Environmental Quality. A site-specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented in accordance with the requirements of the permit. The SWPPP will include all specifications and best management practices (BMPs) needed to control erosion and sedimentation. In order to select the most appropriate BMPs, the SWPPP will be prepared during the design phase. Options for long-term stormwater management, such as vegetated swales, will also be selected during the design phase.
- Dredged or fill material used for construction will be nonpollutional material in accordance with *EPA Guidelines for the Discharge of Dredged or Fill Material*, found in 40 CFR 230.
- Minimize the removal of vegetation during construction and revegetate disturbed areas as quickly as possible in order to reduce soil erosion.
- Temporary work ramps or haul roads, when needed, will provide sufficient waterway openings to allow the passage of expected high flows.
- Silt fences, hay bale barriers, and other erosion control devices will be installed during construction to minimize erosion and control sediment.
- All contractors will take precautions in the handling and storage of hazardous materials, including lubricants and fuels, to prevent discharges or spills that would result in degradation of water quality.
- Design stream crossing structures that minimize or eliminate the need to physically alter the water courses. For example, use of longer spans could minimize the need to drill piers into the stream.
- If hazardous materials spills occur during construction, clean-up procedures outlined in the Arkansas State Highway and Transportation Department's *Standard Specifications for Highway Construction* will be followed.
- If hazardous materials spills occur after the facility is operational, the State Emergency Operations Center's HAZMAT hotline will be notified. Response actions will be coordinated by the Arkansas Highway Patrol, the Arkansas State Highway and Transportation Department, and a contracted hazardous spill containment team.
- The current restrictions on herbicide use along the highway system (due to the karst topography) will be maintained.

- Stream mitigation (if required) will be determined by the U.S. Army Corps of Engineers during the Section 404 Permit application process. At that time, preliminary plans will be available for each stream crossing. Further information relating to stream mitigation will be contained in the Section 404 Permit application documents.
- Maintain the hydrologic functions of streams or other waterbodies through proper bridge and culvert sizing and placement.
- Bottomless culverts will be used or traditional culverts will be placed slightly below grade to prevent outlet drop scouring.

Other measures that may be used to reduce the impacts of stormwater runoff include curb elimination, litter control, establishment and management of vegetation, and reducing direct discharges to receiving waters when practicable. Measures considered and used for the management of potential pollution problems include grassed channels, overland flow through vegetation, wet detention basins, infiltration basins, and wetlands.

Groundwater Quality

Special provision and actions will be required during the design and construction phase to protect the Springfield Plateau aquifer, especially if any spring locations will be impacted by the proposed project. Commitments include ditch paving through highly vulnerable areas including areas where conduits leading directly to the groundwater are discovered during construction and routing temporary work roads around spring locations to preserve their condition. Coordination with state and federal agencies involved with groundwater quality protection will be conducted as needed when concerns are identified. Other mitigation measures useful to minimize surface water quality impacts are also applicable the protection of groundwater quality.

Drinking Water Supplies

Some small water distribution lines may have to be relocated or lowered in their present location. In addition, if Segment 4AB is selected as the preferred alignment over Segment 5AB, the rural water storage tower owned by the Washington Water Authority will have to be relocated. If any permanent impacts to private drinking water sources occur as a result of the construction of the project, impacts will be mitigated by providing an alternative water source, either by drilling a new well or connecting the residents to a community or rural water system.

Biotic Communities

Due to the sensitivity of the groundwater in the area, the AHTD does not use broadcast herbicides for vegetation control in Benton County.

Should any habitat that is used by bird species protected by the Migratory Bird Treaty Act be affected by construction of the Intermodal Access Road, then the following measures will be taken to avoid or lessen the impact.

- When practicable, every attempt will be made to schedule construction clearing and grubbing activities so that they do not occur during the primary nesting season for migratory birds.
- Any structures providing nesting sites for migratory birds will be netted before nesting and brood raising activities begin to prevent nest disturbance and/or destruction of nestlings during construction activities.
- Demolition of any structures utilized by migratory birds as nesting habitat will not be permitted between April 1 and August 31.

Threatened or Endangered Species

Gray bat surveys using acoustic monitoring and mist netting techniques will be performed between March 15 and October 15 to determine their use of the project area. If gray bats are present, cutting restrictions for riparian habitats will be restricted to dates between October 16 and March 14. Additionally, appropriate bridge design that allows unrestricted passage of bats through the use corridors will be incorporated.

The U.S. Fish and Wildlife Service recommends the following precautionary measures to avoid adverse effects to federally listed and sensitive species that may inhabit karst features common in the project area.

- Right-of-way surveys will be conducted for unknown karst features such as cave openings, springs, losing streams, and sinkholes.
- Clearly mark and provide GPS coordinates (decimal degrees) for any caves or sinkholes found during the surveys. The U.S. Fish and Wildlife Service will be contacted for further evaluation to determine if the karst features are used by federally listed or sensitive cave species.
- If a cave is used by federally listed or sensitive species, the U.S. Fish and Wildlife Service may require the cave to be mapped when bats are not present to determine if any additional openings or passages may be affected by the project. Additionally, any

recommended modifications will be incorporated that provide additional buffer areas to avoid impacts to federally listed species.

- In the event that construction activities encounter holes or other openings, work will cease in the immediate vicinity of the opening, the opening will be adequately marked, and protected from construction activities. No fill materials will be placed into the opening until U.S. Fish and Wildlife Service personnel have the opportunity to investigate the site thoroughly.

In order to minimize potential impacts to the Cave Springs Cave recharge area, the U.S. Fish and Wildlife Service recommended that no local access interchanges be constructed between Highway 112 and the I-540 interchange. It was also decided that in order to minimize secondary impacts, no frontage roads would be constructed in these areas. The AHTD made the following commitments in the SNB FEIS, and are established as a part of this EIS.

- The directional interchange of the SNB and I-540 will provide no local access.
- No additional interchanges will be constructed between Highway 112 and I-540.
- No frontage roads will be built along the proposed project between the Highway 112 and I-540 interchanges, including local road construction under federal or state control, except for two short lengths of road that would provide connectivity for local roads severed by the proposed facility. The severed roads that could be reconnected are: Puppy Creek Road/Spring Creek Road, and Wagon Wheel/South Zion Road. A grade separation should be placed on both Wagon Wheel Road and South Zion Road if design and budget criteria allow.
- Drainage from the proposed project will not be allowed to enter the Cave Springs Cave recharge area as delineated and shown in the DEIS.

Historic and Archeological Preservation

Once a preferred alignment has been selected, and prior to the preparation of the Final Environmental Impact Statement, an intensive Phase II analysis will be conducted within the areas recommended for further work by the Arkansas Archeological Survey and the SHPO. Prior to and during fieldwork, consultation between the Federal Highway Administration and any appropriate Native American Tribe or Tribes will be continued according to 36 CFR Part 800.4(a) of the National Historic Preservation Act. All phases of field work, evaluation, and reporting will conform to the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48CFR 44716), the standards for field work and report writing in *A State Plan for the Conservation of Archeological Resources* in Arkansas, and all other pertinent state and federal laws. A full report documenting the results of the survey and stating the AHTD's recommendation will be prepared and submitted to the SHPO for review.

Eligibility determinations will be made by the FHWA in consultation with the SHPO and any appropriate Native American Tribe or Tribes. Should any of the sites be found eligible or potentially eligible for nomination to the National Register of Historic Places and avoidance is not possible, then site specific treatment plans will be developed and submitted to the SHPO and the appropriate tribe or tribes for review and comment. A corresponding Memorandum of Agreement between the SHPO, the FHWA, and the appropriate tribe or tribes will then be implemented and the appropriate treatment plan will be carried out at the earliest practical time.

Should any of the sites be found to qualify as a Section 4(f) property, there should be enough flexibility within the alignment to modify actual roadway design to consider avoidance of all but the very largest of sites. Additionally, once construction has started and any additional sites are found, work will stop immediately and the contractor and resident engineer shall immediately notify the AHTD Archaeologist, the SHPO, the Arkansas Archeological Survey, the FHWA, and the AHTD. Proper mitigation and avoidance measures will be taken.

Hazardous Waste Sites

If individual disposal sites or potential hazardous waste sites are observed or accidentally uncovered within the alignment during construction, the type and extent of contamination will be determined. All characterization and remediation will be conducted in accordance with Arkansas Department of Environmental Quality, U.S. Environmental Protection Agency, and Occupational Safety and Health Administration regulations. Similarly, any demolition of structures involving asbestos-containing materials will be conducted in accordance with all applicable regulations.

Construction Impacts

Although the noise associated with construction activities cannot be eliminated, noise impacts can be reduced by the establishment of reasonable working hours. Sensitive noise areas such as residential neighborhoods will be identified and work restricted to daylight hours in these areas. Dust associated with construction can be reasonably controlled by a watering program. Erosion from construction sites will be controlled using standard practices as described in the *AHTD Erosion and Sediment Control Design and Construction Manual*.

Efforts will be made during the design, construction, and operations stage to minimize the impacts to any caves discovered within the right-of-way. After access is obtained,

the proposed right-of-way will be surveyed for karst features such as cave openings and sinkholes. Should construction activity expose any previously unidentified cave, work will immediately stop in the area, access denied, and the opening secured to prevent unauthorized entry. If a cave is discovered, the U.S. Fish and Wildlife Service will be contacted for the proper procedures to be followed and to examine the cave to determine usage by any listed threatened or endangered species.

Contractors working on the Intermodal Access Road will be required to comply with pollution prevention measures contained in the *AHTD's Standard Specifications for Highway Construction, Edition of 2003*. This standard incorporates pollution prevention measures to lessen environmental impacts during highway construction, and includes contractors responsibilities regarding lessening the impacts to temporary rights-of-way; applicable environmental permits, licenses and taxes; Section 404 permits; and ways to reduce or eliminate point and non-point sources of pollution. Additionally, recyclable materials will be allowed and encouraged during construction where there is an economic, engineering, and environmental benefit.

Secondary and Cumulative Impacts

The Intermodal Access Road and the SNB projects have been coordinated from the beginning in an effort to share certain roadway sections that will reduce cumulative impacts. To minimize secondary development and cumulative impacts, no frontage roads will be provided along either Section 4AB or 5AB, and no local access, except at the interchange with Highway 112, will be allowed along the Intermodal Access Road from the Airport to I-540. However, local roads severed by the Intermodal Access Road will be reconnected outside of the right-of-way, which will provide connectivity of the local transportation network.

Infrastructure/Utility Impacts

Some small water distribution lines may have to be relocated or lowered in their present location. In addition, if Segment 4AB is selected as the preferred alignment over Segment 5AB, the rural water storage tower owned by the Washington Water Authority will have to be relocated. Some groundwater wells may have to be abandoned and reinstalled in new locations. Some septic systems and sanitary sewer collection lines may have to be relocated or lowered depending upon the selection of the preferred alignment.

Any affected private utilities will be relocated, raised, or lowered as needed in order to continue service while completing the Intermodal Access Road.

The Intermodal Access Road will initially provide a signalized at-grade intersection with Highway 264 at the entrance to the Airport and a fully directional interchange at the junction with I-540. Traffic on Highway 112 will be unaffected by constructing grade separation structures with no connection to the Intermodal Access Road.

Grade separation structures will also be used to maintain local roads where continued vehicle access is required for local traffic. In some instances where adequate alternate routes are available or continued vehicle access is not required, local roads will be closed or relocated.

Chapter 8: Coordination and Public Involvement

Involvement and participation by federal and state agencies, local elected public officials, and the general public was solicited for the development and direction of this project. This section describes the coordination and public involvement conducted throughout the EIS process.

EIS Public Involvement/Scoping Process

A total of three meetings have been held (up to this point) as part of the DEIS public involvement process for this project: one scoping meeting and two information meetings. Local elected public officials, state and federal resource agencies, and the general public were invited to attend all three meetings. Information concerning these meetings is available in Appendix B1.

Local Elected Public Officials Coordination

The local elected public officials meetings were conducted prior to the state and federal resource agency and general public portions of the meetings. The meetings were intended to provide officials an opportunity to preview the information being presented to the public.

Agency Coordination

The scoping and information meetings for state and federal resource agencies were conducted to disseminate information, collect input, and gather concerns. Copies of agency letters/correspondence can be found in Appendix C2.

Public Meetings

Two methods were used to notify the public of meetings: press releases to area newspapers, radio stations, and television stations; and, legal notices and/or display ads in newspapers. All public meetings offered a similar open house format accompanied by brief presentations. Consultants and Northwest Arkansas Regional Airport representatives were available to explain the displays, answer questions, and provide information. Exhibits were used to explain the overall EIS process, identify preliminary road corridors, and explain the evaluation methodology/criteria. Comment sheets were provided to encourage contributions from the public. They were designed to obtain information about and response to the proposed project. Information concerning these meetings is available in Appendix B1.

Hispanic Community Public Involvement

In an effort to engage the Hispanic community in the public involvement process, a notice of the Public Hearing will be placed in a Spanish language newspaper with circulation in Northwest Arkansas. Additionally, a Spanish translator will be available at the Public Hearing and Spanish translations of all presentation material will be provided afterward upon request.

Springdale Northern Bypass Coordination

A total of eight coordination meetings were held with AHTD concerning the Springdale Northern Bypass project. The purpose of the meetings was to coordinate the development of and exchange information between the two projects. These meetings involved FHWA representatives, personnel from AHTD, and consultants and officials representing the NWARA Intermodal Access Road.

Chapter 9: Distribution List of EIS

Copies of the DEIS have been distributed to the following agencies and organizations.

Federal Agencies

U.S. Army Corps of Engineers, Little Rock District Permits Branch – Little Rock, AR
U.S. Department of the Interior, Fish and Wildlife Service – Conway, AR
U.S. Department of the Interior, Office of Environmental Policy & Compliance – Washington, D.C.
U.S. Environmental Protection Agency – Washington, D.C.
U.S. Environmental Protection Agency, Region 6 – Dallas, TX
Natural Resources Conservation Service – Little Rock, AR

State Agencies

Arkansas Department of Environmental Quality
Arkansas Department of Health
Arkansas Department of Parks & Tourism
Arkansas Economic Development Commission
Arkansas Forestry Commission
Arkansas Game & Fish Commission
Arkansas Geological Commission
Arkansas Highway & Transportation Department
Arkansas Historic Preservation Program
Arkansas Natural Heritage Commission
Arkansas Natural Resources Commission
Arkansas Soil & Water Conservation Commission
Arkansas Waterways Commission

Native American Tribes

Cherokee Nation of Oklahoma
Osage Nation

U.S. and State Senators and Representatives

U.S. Senator John Boozman
U.S. Senator Mark Pryor
U.S. Representative Steve Womack
State Senator Kim Hendren
State Senator Cecile Bledsoe
State Senator Bill Pritchard
State Representative Les “Skip” Carnine
State Representative Tim Summers
State Representative Mary Slinkard
State Representative Jon Woods
State Representative Jonathan Barnett

Local Officials

Mayor of Springdale Doug Sprouse
Mayor of Lowell Eldon Long
Benton County Judge Bob Clinard
Northwest Arkansas Regional Planning Commission